

**REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. This Amendment should be entered under Rule 116 because it places this application in condition for allowance.

By this Amendment, claims 1, 13, 25, and 33 are amended. No new matter is presented in this Amendment.

The rejection of claims 1-5, 7-8, 10-17, 19-20, 22-28, and 30-33 under 35 USC §103(a) as being unpatentable over Scalzi et al. (US Patent 6,075,937) in view of Bharadwaj (US Patent 5,894,576) is respectfully traversed.

Similarly, the rejection of claims 6 and 18 under 35 USC §103(a) as being unpatentable over Scalzi et al. (US Patent 6,075,937) in view of Bharadwaj (US Patent 5,894,576) as applied to claims 3 and 15 above, and further in view of Lee (US Patent 5,828,884) is respectfully traversed.

Lastly, the rejection of claims 9 and 21 under 35 USC §103(a) as being unpatentable over Scalzi et al. (US Patent 6,075,937) in view of Bharadwaj (US Patent 5,894,576) as applied to claim 1 and 13 above, and further in view of Hughes et al. (US Patent 6,519,768) is likewise traversed based upon the foregoing amendments and the following remarks.

Independent claim 1 is amended to recite wherein a method of translating binary code instructions from a source format to a target format for processing by a target processor comprises generating of dependency analysis code, including:

“maintaining a counter associated with each instruction to indicate a group number to which the instruction belongs, wherein all instructions of a same group are issued in parallel; and  
assigning each instruction to an earliest group of instructions such that all producers of input and output resources of the instruction have already been assigned to previous groups.”

These amendments are supported by the specification at page 15, lines 17-28, which discloses an alternate embodiment of generating analysis routines that omits building a Directed-Acyclic-Graph (DAG). Nowhere does the applied art, singularly, or in allowed combinations, evidence disclosure or motivation, implicit or explicit, to suggest the maintaining and assigning of a group number for each instruction, as recited in claim 1.

Applicants respectfully submit that claim 1 is patentable due to the failure of the asserted combination of references to disclose, teach or motivate all recited features of the claims. Independent claims 13, 25, and 33 are apparatus, computer program, and computer-readable medium claims that are amended to include subject matter relating to generating dependency analysis code, as recited in the method of claim 1. Claims 2-12, 14-24, 26-28, and 30-32 depend from these independent claims and are likewise patentable over the applied art for at least their dependence on an allowable base claim, as well as for the additional features they recite.

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicants' attorney of record, to facilitate advancement of the present application.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink that reads "Kenneth M. Berner". The signature is written in a cursive, flowing style.

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